

Message Text

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ORIGIN AF-10

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P 032229Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY LAGOS PRIORITY

C O N F I D E N T I A L STATE 113143

E.O. 11652: GDS

TAGS:CASC, EFIN, NI (LEFEVRE, LOUIS)

SUBJECT: AIG/LEFEVRE CASE

1. CHARLES BROWER OF WHITE AND CASE, REPRESENTING AIG, CALLED ON L/AF MAY 2 TO REVIEW CHARGES PENDING AGAINST LEFEVRE AND TO IMPRESS UPON DEPARTMENT IT SEEKING OUR ASSISTANCE IN OBTAINING A POLITICAL RATHER THAN A LEGAL SOLUTION TO THIS MATTER. ALSO PRESENT WAS OFFICER FROM AF/W.

2. BROWER BEGAN BY SHOWING DOCUMENT THAT CHARGES LEFEVRE WITH CONSPIRACY TO STEAL AND WITH STEALING N 450,000 FROM AIIC. HE ALSO SAID IT POSSIBLE, BUT NOT LIKELY, THAT FMG MAY REVOKE AIIC'S LICENSE TO DO BUSINESS IN NIGERIA IN VIEW OF CHARGES. COMMENT: THIS WAS ATTEMPT BY BROWER TO SET TONE FOR WHAT WAS TO FOLLOW AND TO ENSURE THAT-DEPARTMENT HAS NOT FORGOTTEN COMPANY'S REASON FOR COMING TO DEPARTMENT IN FIRST PLACE, I.E. TO

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ENLIST OUR ASSISTANCE IN REACHING SATISFACTORY SETTLEMENT OF INVESTMENT DISPUTE INCLUDING MORE FAVORABLE SETTLEMENT FOR PENDING 11 PERCENT SHARE TRANSFER TO FMG. END COMMENT.

3. BROWER THEN DISPLAYED (BUT REFUSED TO RELEASE TO DEPARTMENT) NUMEROUS DOCUMENTS WHICH ATTEMPT TO DEMONSTRATE THAT AIIC'S TRANSFER OF N 450,000 TO FRED EGBE WAS

STRAIGHTFORWARD BUSINESS DEAL IN WHICH AIIC WAS TO LEND MONEY TO MAIYEGUN ESTATES, LTD. (DOCUMENTS DO NOT SHOW IT, BUT BROWER SAYS THE FIRM OWNED BY EGBE.) THE LOAN WAS TO BE SECURED BY PROPERTY THAT MAIYEGUN WAS TO PURCHASE AND WHICH WAS APPRAISED AT NEARLY DOUBLE THE VALUE OF THE LOAN. AIIC WAS TO CHARGE 10 PERCENT INTEREST OVER 8 YEARS FOR THE LOAN.

4. ALL OF THE DOCUMENTS EVIDENCE A TRANSACTION EXCEPT THE LAST IN THE SERIES. THAT ONE, A LETTER FROM EGBE TO THE ASSISTANT INSPECTOR-GENERAL OF POLICE, DATED MARCH 31 PROTESTS EGBE'S INCARCERATION AND TREATMENT BY THE POLICE BUT CONCLUDES WITH A STATEMENT THAT THE N 450,000 IS TO BE TREATED AS A FEE OR COMMISSION (RATHER THAN A LOAN) PER "ADVISEMENT" BY THE POLICE DEPARTMENT AND ACCORDINGLY HE (EGBE) WILL DISCOUNT (I.E. REFRAIN FROM) ANY MENTION OF MORTGAGE DOCUMENTS. BROWER ADMITS TO BEING BAFFLED BY THIS DOCUMENT WHICH ALL AGREE IS TANTAMOUNT TO AN ADMISSION THAT EGBE RECEIVED FEES FROM AIIC (ALTHOUGH IT IS LEFT UNSAID WHAT WAS TO BE PURPOSE OF THE FEES).

5. BROWER AND AIG CONVINCED LEFEVRE INNOCENT OF ANY WRONG-DOING BUT CAN'T EXPLAIN EGBE'S STATEMENT TO POLICE. THEY FEEL THAT LEFEVRE IS BEING HARRASSED AS RESULT OF AIIC'S CLAIM FOR INCREASED COMPENSATION
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FOR SALE OF EQUITY SHARES TO FMG AND THAT CHARGES HAVE NOTHING TO DO WITH PERFORMANCE BY AIIC OR LEFEVRE IN MATTER OF LOAN TO MAIYEGUN.

6. BROWER SAID HE AND AIG BELIEVE DEPARTMENT AND EMBASSY HAVE DETERMINED THAT LEFEVRE GUILTY OF STATED CHARGES AND THAT WE ARE RELUCTANT TO GO TO BAT WITH INSPECTOR-GENERAL OF POLICE AND OTHERS FOR THIS REASON. ALTHOUGH L/AF STATED THAT ON SURFACE FMG APPEARS TO HAVE CASE AGAINST EGBE AND LEFEVRE (BASED ON EGBE'S MARCH 31 LETTER) AND CAN UNDERSTAND REASONS FOR FMG'S PROSECUTION OF CASE, AF/W ASSURED BROWER THAT LEFEVRE'S GUILT OR INNOCENCE HAS NOT BEEN A FACTOR IN DEPARTMENT/EMBASSY CONSIDERATION TO DATE. OUR ACTIONS ARE BASED UPON ENSURING FMG OBSERVED VIENNA CONVENTION WHERE AMCITS CONCERNED AND THAT LEFEVRE TREATED EQUITABLY UNDER NIGERIAN LAW. L/AF SAID IT WOULD BE INADVISABLE FOR USG TO INTERVENE WITH JUDICIAL PROCEEDINGS AT THIS POINT IN VIEW OF DOCUMENT BROWER DISPLAYED.

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7. BROWER AND AIG RELUCTANT TO PURSUE JUDICIAL REMEDY,

EITHER BY APPEALING TO ATTORNEY GENERAL TO DROP CHARGES

(EVEN IF THAT IS POSSIBLE) OR TO HIGH COURT JUSTICE IN ORDER TO SEEK CHANGE OF VENUE SINCE THIS WOULD CONFIRM DEFENDANT'S WILLINGNESS TO PARTICIPATE IN JUDICIAL PROCEEDINGS (IN WHICH AIG AND BROWER HAVE LITTLE FAITH) RATHER THAN SEEK POLITICAL SOLUTION. AIG AND BROWER BELIEVE EMBASSY SHOULD SEEK I-G'S INTERCESSION FOR A DISCRETIONARY DISMISSAL OF CASE.

8. BROWER CALLS ON AMBASSADOR EASUM MAY 5 TO GO OVER ABOVE GROUND WITH HIM.

9. WOULD APPRECIATE ANY CLARIFICATION EMBASSY CAN OBTAIN RE EGBE STATEMENT MADE AT END OF MARCH 31 LETTER PER PARA FOUR ABOVE. CHRISTOPHER
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